


EXHIBIT 13 TO
STATEMENT OF FACTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Notice of Reliance on Applicant's Responses To Opposer's Requests For Admissions filed with U.S. Trademark Trial and Appeal Board was served on counsel for the Applicant on the date listed below via overnight mail delivery:

Frank J. Colucci, Esquire
Colucci & Umans
Manhattan Tower
101 East 52nd Street
New York, NY 10022

Dated: 9-24, 2004

A handwritten signature in cursive script, reading "Sarah Sweet-Scott", is written over a horizontal line.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- -X
SEXY HAIR CONCEPTS, LLC, :
Opposer, : Opposition
v. : No. 125,739
V SECRET CATALOGUE, INC, : (SO SEXY)
Applicant. :
----- -X

FEB 17 2004

APPLICANT'S RESPONSES TO OPPOSER'S
FIFTH REQUEST FOR ADMISSIONS

Applicant, V Secret Catalogue, Inc., by its
attorneys, hereby responds to opposer, Sexy Hair Concepts,
LLC's, Fifth Request for Admissions, as follows:

General Objections

Applicant repeats and incorporates by reference
its previous objections to Opposer's First, Second and
Third and Fourth Requests for Admission, as if herein again
set forth in detail.

Applicant notes that Opposer's Fifth Request for
Admissions were incorrectly numbered. Hence, its Fifth
Request for Admissions should have been numbered 50 through
51, and Applicant has re-numbered them accordingly.

Responses

50. Applicant admits that the documents attached and marked as "IBC 0682-0787" are true and correct copies of documents produced by Applicant in response to Opposer's Request for Documents, and is a marketing report on the market for hair care products.

Deny the mischaracterization of documents IBC 0682-0787 as a "marketing report". Applicant produced documents bearing Bates No. IBC 0682-0787 in response to Opposer's Production Request No. 67, which requested "All Klein data purchased by Applicant which refers or relates to hair care products and hair care product market".

51. Applicant admits that the documents attached and marked as "IBC 0788-IBC 0942" are true and accurate copies of documents produced by Applicant in response to Opposer's Request for documents, and are sales reports for Applicant's hair products and test market reports.

Admit.

Dated: New York, New York
February 11, 2004

COLUCCI & UMANS

By Frank J. Colucci
Frank J. Colucci
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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Applicant's Responses To Opposer's Fifth Request For Admissions" has been forwarded via First Class Mail, postage prepaid, to Opposer's Attorney, Roberta Jacobs-Meadway of Ballard Spar Andrews & Ingersoll, LLP at 1735 Market Street, 51st Floor, Philadelphia, Pennsylvania 19103-7599 this 11th day of February, 2004.


Andrea Pelaez

Hair Results: November Week 1

Store #	Store Name	District	Region	MSA	Test	Diary Type	Store 2002 Annual \$	Store \$	Store Units	Hair \$	Hair %	Hair Units	Hair Unit %
Total													
							\$85,029,107	\$1,454,043	132,333	\$29,710		4,968	
Avg./Store							\$924,229	\$15,805	1,438	\$323	2.1%	54	3.8%
517	Silver City	102	100	Boston-Worce	\$8.50	RECOLOR	\$757,699	\$14,797	1,263	\$450	3.0%	84	6.7%
491	Rockingham Park	102	100	Boston-Worce	\$8.50	RECOLOR	\$1,071,748	\$17,242	1,412	\$205	1.2%	38	2.7%
1100	1981 Broadway	104	100	New York-No.	\$7.00	DAVID COLLINS	\$1,237,505	\$18,005	1,704	\$234	1.3%	41	2.4%
181	Sangerown	105	100	Syracuse, NY	\$7.00	FRAGRANCE ROOM	\$619,621	\$10,556	1,000	\$442	4.2%	78	7.8%
1162	Carousel	105	100	Syracuse, NY	\$7.00	DAVID COLLINS	\$555,736	\$8,563	757	\$159	1.9%	26	3.4%
798	Palisades	106	100	New York-No.	\$7.00	NEW STORE DESIGN	\$1,269,566	\$20,036	1,950	\$563	2.8%	109	5.6%
604	The Westchester	106	100	New York-No.	\$7.00	PERFUMERY	\$586,074	\$9,457	876	\$175	1.9%	28	3.2%
511	Nanuet	106	100	New York-No.	\$7.00	FRAGRANCE ROOM	\$530,482	\$8,736	796	\$170	1.9%	34	4.3%
1235	Galleria	106	100	New York-No.	\$7.00	DAVID COLLINS	\$641,719	\$9,292	806	\$111	1.2%	21	2.6%
890	Newport Centre	108	100	New York-No.	\$7.00	SILVER STORE	\$1,439,037	\$29,693	3,041	\$368	1.2%	62	2.0%
19	Riverside Square	108	100	New York-No.	\$7.00	FRAGRANCE ROOM	\$398,613	\$5,898	625	\$218	3.7%	43	6.9%
1171	Garden State	108	100	New York-No.	\$7.00	DAVID COLLINS	\$886,281	\$14,854	1,226	\$187	1.3%	31	2.5%
258	Deptford	109	100	Philadelphia	\$7.00	DAVID COLLINS	\$1,054,618	\$17,852	1,462	\$226	1.3%	34	2.3%
1178	Cherry Hill	109	100	Philadelphia	\$7.00	DAVID COLLINS	\$642,969	\$9,396	776	\$155	1.7%	23	3.0%
289	Echelon	109	100	Philadelphia	\$7.00	PERFUMERY	\$429,128	\$6,522	572	\$101	1.6%	15	2.8%
456	Christiana	110	100	Washington-B	\$8.50	DAVID COLLINS	\$1,562,194	\$30,313	2,608	\$541	1.8%	86	3.3%
591	Annapolis	110	100	Washington-B	\$8.50	PERFUMERY	\$1,050,161	\$13,550	1,261	\$399	2.9%	68	5.4%
172	Marley Station	110	100	Washington-B	\$8.50	FRAGRANCE ROOM	\$713,464	\$12,777	1,172	\$142	1.1%	24	2.0%
1118	Columbia	110	100	Washington-B	\$8.50	DAVID COLLINS	\$893,529	\$12,113	1,046	\$133	1.1%	22	2.1%
497	Towson Town	110	100	Washington-B	\$8.50	DAVID COLLINS	\$1,019,236	\$17,315	1,614	\$102	0.6%	18	1.1%
1300	Easton Town Center	201	200	Columbus, OH	\$7.00	DAVID COLLINS	\$890,867	\$19,552	1,630	\$407	2.1%	73	4.5%
506	Chapel Hill	202	200	Cleveland-Ak	\$7.00	RECOLOR	\$876,240	\$15,758	1,489	\$580	3.7%	102	6.9%
224	Great Northern	202	200	Cleveland-Ak	\$7.00	DAVID COLLINS	\$215,789	\$14,260	1,290	\$555	3.9%	93	7.2%
562	Great Lakes	202	200	Cleveland-Ak	\$7.00	RECOLOR	\$845,589	\$14,654	1,343	\$374	2.6%	62	4.6%
1174	Beachwood Place	202	200	Cleveland-Ak	\$7.00	DAVID COLLINS	\$565,485	\$7,517	689	\$342	4.5%	57	8.3%
193	Eastwood	203	200	Cleveland-Ak	\$7.00	PERFUMERY	\$785,430	\$13,643	1,352	\$434	3.2%	82	6.1%
707	Somerset	204	200	Detroit-Ann	\$8.50	DAVID COLLINS	\$840,627	\$26,870	2,285	\$758	2.8%	124	5.4%
698	Westland	204	200	Detroit-Ann	\$8.50	PERFUMERY	\$963,557	\$15,535	1,449	\$290	1.9%	47	3.2%
57	Fairlane Town	204	200	Detroit-Ann	\$8.50	PERFUMERY	\$1,362,321	\$18,851	1,916	\$160	0.8%	26	1.4%
672	Southland	204	200	Detroit-Ann	\$8.50	PERFUMERY	\$1,028,434	\$15,321	1,437	\$159	1.0%	29	2.0%
513	Mall St. Matthews	206	200	Louisville,	\$8.50	RECOLOR	\$1,112,962	\$20,438	1,744	\$577	2.8%	99	5.7%
1067	Jefferson	206	200	Louisville,	\$8.50	SILVER STORE	\$891,386	\$17,859	1,575	\$282	1.6%	47	3.0%
788	Mall Of America	207	200	Minneapolis-	\$7.00	NEW STORE DESIGN	\$699,567	\$14,701	1,214	\$425	2.9%	62	5.1%

IBC 0904

So Sexy Hair: April Week 2**I. Results:****Test 1: \$7 or 2/\$12**

58 stores: Easton and 1981 Broadway excluded from "average"

Total Shop Results					
	Sales \$	RIMU \$	ADS	TRX	
Total Shop	-0.3%	-1.4%	-2.4%	2.2%	
Garden	-16.0%	-15.3%			
Prestige	-2.2%	-1.7%			
Color	-5.2%	-5.1%			
Average Store Sales					
	Sales \$	Units	\$ % to shop	Unit % to shop	
Total HAIR	\$ 1,084	177	9.1%	13%	
SHAMPOO	\$ 374	61	34%	35%	
CONDITIONER	\$ 341	56	31%	32%	
STYLING AIDS	\$ 325	52	30%	30%	
TRIAL SIZE	\$ 45	7	4%	4%	
Shampoos / Conditioners					
Hydrating	\$ 343	56	52%	52%	
Normal	\$ 156	25	23%	23%	
Clarifying	\$ 53	9	8%	8%	
Volumizing	\$ 163	27	24%	25%	
Styling Aids					
Spray	\$ 105	17	32%	32%	
Balm	\$ 59	10	18%	18%	
Curl	\$ 57	9	18%	18%	
Mouse	\$ 71	12	22%	22%	
Gel	\$ 33	5	10%	10%	

Test 2: \$8.50 or 2/\$15

30 stores

Total Shop Results					
	Sales \$	RIMU \$	ADS	TRX	
Total Shop	2.6%	2.4%	-1.0%	3.7%	
Garden	-11.3%	-10.8%			
Prestige	2.5%	2.9%			
Color	-2.9%	-2.1%			
Average Store Sales					
	Sales \$	Units	\$ % to shop	Unit % to shop	
Total HAIR	\$ 945	126	7.6%	9%	
SHAMPOO	\$ 326	43	34%	34%	
CONDITIONER	\$ 299	39	32%	31%	
STYLING AIDS	\$ 261	34	28%	27%	
TRIAL SIZE	\$ 60	10	6%	8%	
Shampoos / Conditioners					
Hydrating	\$ 286	38	51%	51%	
Normal	\$ 137	18	25%	25%	
Clarifying	\$ 53	7	9%	10%	
Volumizing	\$ 148	20	26%	27%	
Styling Aids					
Spray	\$ 86	11	33%	33%	
Balm	\$ 48	6	18%	18%	
Curl	\$ 43	6	17%	16%	
Mouse	\$ 62	8	24%	24%	
Gel	\$ 22	3	9%	9%	

II. Conclusions:

- * Hair appears to have had a successful launch week, although it is soon to draw conclusions.
- * The Total Shop test stores were flat (in test 1) and +2.6% (in test 2) versus the balance of company.
- * The lower priced test (\$7 or 2/\$12) generated 14% more hair dollar sales and 40% more hair unit sales vs. the higher priced test (\$8.50/2 for \$15).
- * Garden was hit most dramatically in the test stores. While Garden was almost 48% of shop in BOC, in the test stores it was 37-38%.
- (Garden was featured in the windows for the "Garden Gifts" floorset in BOC, while for the test, Hair was in the windows.)
- * #1 SKU (dollar sales) - \$7.00 Nourishing Conditioner; #2 -- \$7.00 Nourishing Shampoo; #3 - \$7.00 Hairspray

III. Next Steps:

1. Continue to analyze the results of the test through September week 4 2003 for detailed learnings
2. Evaluate the option and details of rolling the line out for December week 5 2003
3. Investigate introducing the \$6.00 trial set in all 90 stores of the test

IBC 0907

Sexy Hair April Week 3

Test 1

\$7 or 2/\$12

58 stores: Easton and 1981 Broadway excluded from "average"

	Sales \$	Total Shop Results			TRX
		RIMU \$	ADS		
Total Shop	6.7%	5.9%	1.9%		4.7%
Garden	-1.1%	-0.9%			
Prestige	4.2%	4.1%			
Color	6.1%	6.5%			

Average Store Sales	Sales \$	Units	\$ %	Unit %
Total HAIR	\$ 537	90	4%	6%
SHAMPOO	\$ 187	32	35%	35%
CONDITIONER	\$ 171	29	32%	32%
STYLING AIDS	\$ 158	26	29%	29%
TRIAL SIZE	\$ 21	4	4%	4%
Shampoos / Conditioners				
Hydrating	\$ 177	30	49%	49%
Normal	\$ 75	13	21%	21%
Clarifying	\$ 26	4	7%	7%
Volumizing	\$ 81	14	22%	23%
Styling Aids				
Spray	\$ 56	9	36%	36%
Balm	\$ 24	4	15%	15%
Curl	\$ 29	5	18%	18%
Mouse	\$ 34	6	22%	22%
Gel	\$ 14	2	9%	9%

Observations

While it is still too soon to judge incrementality, the Test 1 stores had a good week.

The test stores offering hair at \$7 or 2/\$12 had a successful week. They were up almost 7% versus BOC.

The lower priced test at \$7 or 2/\$12 generated 14% higher Hair \$ sales, off of 40% more units. The Hair margin \$ were up 4.2% in the \$7 test. Garden was hit most dramatically in the test stores. In Test 1, Prestige and Color were up, but Garden was down (1%).

And in Test 2: Garden was down almost (5%). The Hair dollars brought total shop flat with BOC.

The penetrations within the classes and forms appears consistent regardless of price.

Hair was 4% of shop in Easton and the Broadway store.

Test 2

\$8.50 or 2/\$15

30 stores

	Sales \$	Total Shop Results			TRX
		RIMU \$	ADS		
Total Shop	0.2%	-0.2%	-0.1%		0.3%
Garden	-4.6%	-4.5%			
Prestige	-2.9%	-3.3%			
Color	-1.2%	-0.8%			

Average Store Sales	Sales \$	Units	\$ %	Unit %
Total HAIR	\$ 454	62	3%	4%
SHAMPOO	\$ 155	21	34%	34%
CONDITIONER	\$ 138	19	30%	30%
STYLING AIDS	\$ 130	17	29%	28%
TRIAL SIZE	\$ 30	5	7%	8%
Shampoos / Conditioners				
Hydrating	\$ 149	20	51%	51%
Normal	\$ 48	6	16%	16%
Clarifying	\$ 24	3	8%	8%
Volumizing	\$ 73	10	25%	25%
Styling Aids				
Spray	\$ 45	6	35%	35%
Balm	\$ 25	3	19%	19%
Curl	\$ 19	3	15%	15%
Mouse	\$ 31	4	24%	24%
Gel	\$ 9	1	7%	7%

IBC 0908

Sexy Hair May Week 1

Test 1

\$7 or 2/\$12

58 stores: Easton and 1981 Broadway excluded from "average"

	Sales \$	RIMU \$	Total Shop Results	ADS	TRX
Total Shop	2.5%	2.4%		0.6%	1.9%
Garden	2.2%	2.5%			
Prestige	1.3%	1.2%			
Color	1.2%	1.7%			

Average Store Sales	Sales \$	Units	\$ %	Unit %
Total HAIR	\$ 394	66	1.6%	3%
SHAMPOO	\$ 125	21	32%	32%
CONDITIONER	\$ 121	20	31%	31%
STYLING AIDS	\$ 109	18	28%	27%
TRIAL SIZE	\$ 39	7	10%	10%
Shampoos / Conditioners				
Hydrating	\$ 116	19	47%	47%
Normal	\$ 57	9	23%	23%
Clarifying	\$ 17	3	7%	7%
Volumizing	\$ 57	10	23%	23%
Styling Aids				
Spray	\$ 40	7	37%	37%
Balm	\$ 16	3	15%	15%
Curl	\$ 19	3	17%	17%
Mouse	\$ 25	4	23%	23%
Gel	\$ 9	1	8%	8%

Hair Performance versus Plan				
Plan	Actual	Var	Var %	Var %
May Week 1	\$53,772	\$35,143	-\$18,629	-35%
Grand Total	\$395,131	\$211,243	-\$183,888	-47%

Observations

Both of the test cells were up a few points to BOC last week. However, the lift does not appear to have come from Hair. Hair dropped to 1.6% shop penetration last week. This may be a result of Mother's Day gift purchasing rather than self-purchasing. Hair \$ sales per average store were almost equal in the two test cells last week. This is the same result as last week. The lower priced test at \$7 or 2/\$12 was basically flat in Hair \$ sales, off of 17% more units. The Hair margin \$ were down (8)% in the \$7 test. The trial size sales in the \$8.50 or 2/\$15 stores was driven by 4 stores with very high sales of \$233, \$180, \$153, and \$150. Hair was 5% of shop in Easton and 2% of shop in the Broadway store.

Test 2

\$8.50 or 2/\$15

30 stores

	Sales \$	RIMU \$	Total Shop Results	ADS	TRX
Total Shop	3.5%	3.7%		-1.6%	5.2%
Garden	8.9%	9.4%			
Prestige	-1.0%	-1.0%			
Color	0.3%	0.6%			

Average Store Sales	Sales \$	Units	\$ %	Unit %
Total HAIR	\$ 399	56	1.6%	2%
SHAMPOO	\$ 121	16	30%	29%
CONDITIONER	\$ 116	16	29%	28%
STYLING AIDS	\$ 94	13	24%	22%
TRIAL SIZE	\$ 68	12	17%	21%
Shampoos / Conditioners				
Hydrating	\$ 121	16	51%	51%
Normal	\$ 47	6	20%	20%
Clarifying	\$ 17	2	7%	7%
Volumizing	\$ 51	7	22%	22%
Styling Aids				
Spray	\$ 37	5	40%	40%
Balm	\$ 16	2	17%	17%
Curl	\$ 17	2	18%	18%
Mouse	\$ 16	2	17%	17%
Gel	\$ 8	1	8%	8%

IBC 0909